GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Disciplinary Proceedings initiated against Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality, Srikakulam District under Rule 20 of A.P.Civil Services (CC&A) Rules, 1991 for allowing unauthorized constructions in the lands against particular usage without change of land use in violation of Zoning Regulations – Enquiry ordered - Minor Punishment of "Censure" imposed – Orders issued – Appeal filed by Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality – Appeal allowed – Further action dropped – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 242 **Dated: 13-03-2019.**

Read the following:-

1. From the Director of Town & Country Planning, A.P., Hyderabad, letter Roc.No. 1638/2014/M2, dated. 16.05.2014.
2. G.O.Rt.No.58, M.A. & U.D. (Vig.II) Department, dated 11.02.2016.
3. G.O.Rt.No.60, M.A. & U.D. (Vig.II) Department, dated 11.02.2016.
4. G.O.Rt.No.377, M.A. & U.D. (Vig.I) Department, dated 24.04.2018.
5. From Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality, Appeal Petition, dated 22.05.2018.
6. Govt. Memo. No.2513/Vig.I(1)/2015, dated 09.08.2018 of M.A. & U.D. (Vig.I) Department.
7. From Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality, further Appeal Petition, dated 'NIL'.

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O R D E R:

Whereas, based on the report of the Director of Town & Country Planning, A.P., Hyderabad in the reference 1st read above, Government have initiated Common Disciplinary Proceedings against Sri I.V.Ramana Murthy, the then Town Planning Supervisor and Sri M.V.D.Phaniram, the then Municipal Commissioner of Palasa-Kasibugga Municipality, Srikakulam District under Rule 24 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 for allowing unauthorized constructions in the lands against particular usage without change of land use in violation of Zoning Regulations vide G.O.2nd read above.

2. Whereas, in the G.O.3rd read above, Government have initiated departmental action by issuing Articles of Charges against Sri I.V.Ramana Murthy, the then Town Planning Supervisor of Palasa-Kasibugga Municipality, Srikakulam District under Rule-20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991

3. Government after following due procedure in terms of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991, have issued orders in the G.O.4th read above, imposing the minor punishment of "Censure" against Sri I.V.Ramana Murthy, the then Town Planning Supervisor of Palasa-Kasibugga Municipality, Srikakulam District.

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4. In the reference 5th read above, Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality has filed an Appeal Petition before the Government and requested to allow his Appeal Petition on humanitarian grounds and exonerate him from the charges framed against him.

5. In the reference 6th read above, the Appeal Petition of Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality was rejected on the ground that the charges framed against him was partially proved in the enquiry.

6. In the reference 7th read above, Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality has filed another Appeal Petition before the Government, stating that the charges framed against the Municipal Commissioner and himself are one and the same for not taking action against unauthorised constructions in Palasa-Kasibugga Municipality. The Enquiry Officer held that the charges against the Municipal Commissioner were not proved, whereas the charges against him were proved, which is highly irregular. He has further stated that the General Manager, District Industries Centre, Srikakulam has forwarded the application of M/s.G.J.Industries for permission. On the application, the Charged Officer offered remarks stating that the said site falls in Agriculture land use as per Master Plan and needs to change to industrial use. Accordingly, necessary proposals were forwarded to Government. When he inspected the site and it is observed that the applicant commenced compound wall and industry building construction without prior permission and without approval of the change of land use proposals. Immediately, a provisional notice has been issued Under Section 228(1) and (2) of APM Act, 1965 on 01.09.2012 vide UC No.17/2012 and stopped the said construction. As the matter stood thus, the District Collector and Chairman of the District Industries Promotion Committee (DIPC), Srikakulam was issued deemed approval (under State Laws) [(Scheduled-x See rule 7(IV)] to the M/s. G.J. Industries Udayapuram (V), Palasa (M), Srikakulam District (i.e. present Industrial building) on 22.11.2012. Based on that, the applicant was again commenced the construction for which a confirmation order notice Under Section 228 (3) of APM Act, 1965 vide UC No.17/2012 on 12.02.2013 and charge sheet was also filed against the applicant in the Hon'ble Court of the Junior Civil Judge Magistrate, Palasa vide STC No.142/2013, dated 23.03.2013. Under Section 340 read with Section 209, 211, 217 and 228 of the APM Act, 1965 (as amended) and the same was pending in the said court. Moreover, a letter has been addressed to the Assistant Divisional Engineer, A.P., TRANSCO, Palasa-Kasibugga Municipality and requested that not to give any electrical service connection to the said un-authorized construction installation by M/s.G.J.Industries and also disconnect if already provided the service connection to the said building, as the same is unauthorized construction as per the provisions of the APM Act, 1965 and rules in force vide Lr.Roc.No.217/2012/G1, dated 19.10.2013 of the Commissioner, Palasa-Kasibugga Municipality. The applicant has stopped the construction in un-finished stage and closed the Industry in his tenure i.e. up to 30.04.2015.

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7. Regarding unauthorized construction of RCC fireworks shop and godown, Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality has stated that, Sri Y. Satya Rao has submitted an application seeking permission for construction of RCC Roof Ground Floor Fireworks shop and Godown in S.No.275/3A, Garudabhadra (V), Palasa-Kasibugga Municipality in an extent of 660 Sq.Mts. and the same has been forwarded to the RDDTP, Visakhapatnam for necessary technical approval and the RDDTP, Visakhapatnam examined the proposal and informed to apply for change of land use as the proposed site is partly falling under Green Belt and partly in Industrial Use Zone as per the sanctioned Master plan. Accordingly, the same has been informed to the applicant. As the matter stood thus, during the course of his outdoor inspection, he found that the building has commenced without any prior permission in the said site by the applicant. Immediately he has instructed the applicant to stop the work and also instructed the TPBO to initiate necessary action on the said construction and reported to the Commissioner also, but the applicant has proceeded with construction high-handedly by paying deaf ear for which notices issued Under Sections 228(1), (2) and (3) of APM Act, 1965 in UC No.32/2012 of 12-12-2012 and 24.12.2012 respectively. After that they had removed columns and centring of the building. But the applicant did not stop and proceeded with the construction. Immediately, they had filed a charge sheet against the applicant in the Hon'ble Court of the Junior Civil Judge Magistrate, Palasa vide PR No.14/2013 in STC No.32/2013 on 23.03.2013. After convicted and fined, the final notice also issued to the applicant Under Section 360 and 361 of APM Act, 1965 on 03.01.2014. A letter has also been addressed to the Assistant Divisional Engineer, A.P., TRANSCO, Palasa-Kasibugga Municipality with a request to not to give any electrical service connection to the unauthorized construction made by Sri Y.SatyaRao.

8. In respect of unauthorised construction of 3rd and 4th floors, Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality has stated that, Sri T.Venkata Ramana has applied for building permission with Stilt+G+ 3 upper floors. After examination of the application, it was returned with a direction not to commence construction without approval of the Commissioner. Further after rectifying the defects, plans were released. When he inspected the site, the applicant has started construction in deviation of the approved plan. He immediately instructed the individual not to proceed with construction and issued notices as per the Act. During his 2nd inspection, he noticed that the columns were raised for 3rd floor. Immediately he was prosecuted in the court and recovered fine as per the orders of the Hon'ble Court. Finally, they have removed 3rd and 4th floor slabs. But, the individual could not stop construction. Hence he has requested the Dy.E.E., not to provide any infrastructure like water supply and street lighting. But after BPS scheme is announced, the building was regularised.

9. Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality has further stated that, during his tenure he had worked in Palasa-Kasibugga Municipality along with only one TPBO and discharged his legitimate duties with due care and diligence and utmost satisfaction of the higher authorities. As and when identified the

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un-authorized constructions/deviations to the approved plans, immediately instructions were given to the TPBO, whose primary duty is to identify the unauthorized construction in their jurisdiction to issue notices as per APM Act provisions besides that to stop the construction and issued notices also and prosecuted the applicants as per rules and Act provisions. He has therefore, requested to allow his appeal and set aside the penalty of Censure imposed in the G.O.4th read above by taking into consideration the above all facts on humanitarian grounds and fully exonerate him from charges, as the unauthorized buildings mentioned in the charges have been regularized in the BPS Scheme and there is no financial loss to the Municipality.

10. Government after careful examination of the matter, have observed that the Enquiry Officer in his Enquiry Report has stated that the charged officer Sri I.V.Ramana Murthy, the then Town Planning Supervisor has initiated action against the owners of the buildings and also written to the APTRANSCO authorities not to give electric connection to the unauthorised buildings. The individual in his explanation has stated that the building approval permissions were given to the applicants which are in accordance with rules. Further he has inspected the sites and at the time of inspection he has found that the applicants have commenced construction without prior permission from Municipality / deviation to sanctioned plans. Hence, as per APM Act, notices were given and also charge sheets were filed against the applicants. Further the TRANSCO has been requested to not give Electricity connections. Therefore, it has been decided to allow the appeal petition filed by Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality and drop further action against him.

11. Accordingly, Government hereby order to drop further action against Sri I.V.Ramana Murthy, the then Town Planning Supervisor, Palasa-Kasibugga Municipality.

12. The Director of Town & Country Planning, A.P., Guntur shall take further necessary action in the matter accordingly.

13. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri I.V.Ramana Murthy, the then Town Planning Supervisor,
Palasa-Kasibugga Municipality **through** the Director of Town & Country Planning, A.P., Guntur.
The Director of Town & Country Planning, A.P., Guntur.
Copy to:
The Commissioner, Palasa–Kasibugga Municipality, Srikakulam District.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER